



Development Review Board

A G E N D A

January 8, 2010 ■ 8:30 am

Committee Room

Second Floor, City Hall

- I. Call to Order**
- II. Adjustments to the Agenda**
 - Items for Consideration**
 - 1. Consent Items**
 - a. UDO Items**
None
 - b. Zoning Ordinance Items**
None
 - 2. UDO County Items**
 - 2.1 D0800219 Treyburn Middle School Major Site Plan
 - 3. UDO City Items**
 - 3.1 D0900211 Lakewood Montessori Middle School Minor Site Plan
 - 3.2 D0700548 McDonald's Parking Addition Major Site Plan
 - 4. Zoning Ordinance County Items**
None
 - 5. Zoning Ordinance City Items**
None
 - 6. Other Items**
None
- IV. Adjournment**

Notice Under the Americans with Disabilities Act

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacey Poston, ADA Coordinator, Voice: 919-560-4197 x21254, TTY: 919-560-1200; stacey.poston@durhamnc.gov, as soon as possible but no later than 48 hours before the scheduled event.

Staff Contact: Teri Danner, Planning Supervisor
919.560.4137 x28246 t. teri.danner@durhamnc.gov

Development Review Board - Case Action Form

Item No: 2.1

CASE SUMMARY		Meeting Date: 01/08/2010	
Project Name:	NEW MIDDLE SCHOOL B (TREYBURN MIDDLE SCHOOL) AND PARK		
Application For:	MINOR SITE PLAN		
Location:	923 SNOW HILL ROAD		
Applicant:	Coulter Jewell Thames COUNTY OF DURHAM		
Case #:	D0800219	PIN:	0835-01-38-4685
Project Scope:	158,038 SQUARE FOOT EDUCATIONAL FACILITY, 2,863 SQUARE FOOT CONCESSION STAND AND CITY PARK ON 31.833 ACRES, IN BOTH THE CITY AND THE COUNTY		
Resource Person:	DCULTRA	Zoning Dist.	PDR-LDR
		Overlay Dist.	F/J-B

DRB MEMBERS:	Eligible to Vote	Present		M/S	Vote	
Number Needed For Quorum: 6		Yes	No		Yes	No
Bike/Ped Commission	<input checked="" type="checkbox"/>					
City/County Inspections	<input checked="" type="checkbox"/>					
City/County Planning	<input checked="" type="checkbox"/>					
City Engineering	<input checked="" type="checkbox"/>					
DOST Commission	<input checked="" type="checkbox"/>					
N.C. DOT	<input checked="" type="checkbox"/>					
Planning Commission	<input checked="" type="checkbox"/>					
S + E Control	<input checked="" type="checkbox"/>					
Transportation	<input checked="" type="checkbox"/>					
City Stormwater	<input checked="" type="checkbox"/>					
County Stormwater	<input checked="" type="checkbox"/>					

Action Taken:

Meeting Comments/Conditions
 1. Sec.8.5.5F, I & K stream buffer intrusions; 2. Sec. 10.6.2 stacking determination for school; 3. Recommendation on the major site plan, subject to corrections and verification and approval of rezoning, transportation and major special use permits

8.5.5 Stream Buffer Use Limitations

F. Crossings by streets, driveways, railroads, recreational features, intakes, docks, utilities, bridges or other facilities shall be allowed provided that they are designed to minimize the amount of intrusion into the stream buffer. Such facilities may run generally within and parallel to the stream buffer only where no alternative location is practical and when their design minimizes the amount of intrusion of the stream buffer.

I. Sanitary sewer lines, on an alignment generally parallel to the stream, may be allowed in stream buffers, provided that:

1. The property owner or applicant demonstrates to the satisfaction of the City Public Works Director or the County Engineer, or their designees, as appropriate, that the lines cannot be practicably located outside of the stream buffer;

2. Design and construction specifications minimize damage to the stream and the possibility of line leakage; and,

3. The line is generally located at least 35 feet from the top of the stream bank and the easement is no closer than 20 feet from the top of the bank.

K. Site plan approval by the Development Review Board shall be required for any of the stream buffer intrusions described above. When any of the activities described above involves land clearing, the cleared area shall be revegetated in a manner described on the site plan. However, where a site plan is not required by any other provision of this Ordinance, the County Engineer, or designee, is authorized to approve plans for erosion control structures in stream buffers.

Sec. 10.6 Vehicle Stacking Areas

10.6.1 Vehicle Stacking Areas

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the City Public Works Director or County Engineer, or appropriate designees. Additional stacking spaces may be required where trip generation rates suggest that additional spaces will be needed.

10.6.2 Minimum Number of Spaces

Off-street stacking spaces shall be provided as follows:

Activity type	Minimum stacking spaces (includes the space at the point of service)	Measured from the stacking lane entry to the following point of service:
Automated teller machine (drive-up)	3	Teller machine
Bank teller lane	4	Teller or window
Car wash bay, full-service	6	Bay
Car wash bay, self-service	3	Bay
Dry cleaning/laundry drive-through	3	Cleaner/laundry window
Gasoline fueling	2	Fueling position
Gatehouse, staffed	4	Gatehouse
Gate, unstaffed	2	Gate
Pharmacy pick-up	3	Pharmacy window
Restaurant drive-through with combined order/pick-up window(s)	6 per window	Order/pick-up window
Restaurant drive-through with separate order point(s) and pick-up window(s)	4 in addition to either 6	Each pick-up window
	or 4	Order point closest to stacking lane entry for each undivided order lane Order point closest to stacking lane entry for each divided order lane
Valet parking	3	Valet stand
Other	Determined by Development Review Board in consideration of an approved study prepared by a registered engineer with expertise in Transportation Engineering.	

A drive-through facility with unspecified activity type shall comply with the most stringent stacking requirement(s) applicable in the zoning district in which the facility is located as determined by the Planning Director.

10.6.3 Design and Layout of Stacking Spaces

Required stacking spaces shall be subject to the following design and layout standards:

A. Size

Stacking spaces shall be a minimum of eight feet in width by 25 feet in length.

B. Location

Stacking spaces shall not impede on- or off-site traffic movements or movements into or out of off-street parking spaces.

C. Design

Stacking spaces shall be separated from other internal driveways by raised medians if deemed necessary by the City Public Works Director or County Engineer, or appropriate designees, for traffic movement and safety.



COUNTY OF DURHAM
ENGINEERING DEPARTMENT

MEMORANDUM

To: Danny Cultra, Case Planner, City/County Planning

From: Glen E. Whisler, P.E., County Engineer *gwh*

Date: December 2, 2009

Subject: **New Middle School Vehicle Stacking UDO Variance Approval
City / County of Durham Case Plan #D0800219**

This office has completed a review of the New Middle School "B: Site Plan (D0800219) dated October 29, 2009.

The TIA recommends a minimum of 1,425 feet of "carpool" queue storage from the student loading zone to accommodate the students being picked up in the school P. M. peak hour. A stacking length of over 3500 feet is provided which exceeds this recommendation. The stacking may impede up to 66 of the total of 171 parking spaces. However, Durham Public Schools anticipates that these 66 spaces will be used by teachers and staff who will not be leaving until a majority of students have been picked up and the vehicle queue is cleared in the afternoon.

Therefore, the vehicle stacking plan for Middle School "B" as shown on the site plan dated October 29, 2009 is approved in accordance with the provision of the UDO section 10.6.3.

If you have any questions or need additional information please contact me on extension 0738.

cc: Chris Roberts, P.E., Stormwater and Erosion Control Division Manager

GEW/csr

MSTA School Traffic Calculations

AM and PM Peak Traffic Estimates

(These numbers do not reflect peak hour traffic volumes)

AM Cars/ Student	PM Cars/ Student	Avg. Car Length	PM At One Time
35.55%	16.31%	22.19'	45.50%
34.58%	14.10%	22.70'	51.90%
19.20%	4.30%	24.42'	55.71%
43.35%	26.30%	22.00'	37.87%

Private School students based on the buses that use the same percentage of school types (elementary, middle & high)

NOTES

Minimum Queue Length does NOT include an alternative traffic pattern for high traffic demand days.

Peak traffic volumes at schools normally occur within a 30-minute time period (PHF of 0.5)

School Name: Middle School "B"

Is this a PUBLIC school? ☐ Yes

Version: 121604

MSTA School Queue Input						Calculations			
Direction	Student Population	Number of Buses	Staff Members	Student Drivers	PM Total Vehicles	PM Peak Vehicles	Minimum Queue Length	Total AM Trips	Total PM Trips
Elementary									
Middle	850	18	87		120	62	1414		
High									
							1414	711	276

Elementary School Data						Middle School Data			
Direction	Parents	Buses	Staff	Trips	PM Trips Generated	Parents	Buses	Staff	Trips
IN									
OUT									

Elementary School Data						Middle School Data			
Direction	Parents	Buses	Staff	Trips	PM Trips Generated	Parents	Buses	Staff	Trips
IN	294	18	87	399	120	18	18		138
OUT	294	18		312	120	18	18		138
				711					276

Elementary School Data						Middle School Data			
Direction	Parents	Buses	Staff	Trips	PM Trips Generated	Parents	Buses	Staff	Trips
IN									
OUT									

Elementary School Data						Middle School Data			
Direction	Parents	Buses	Staff	Trips	PM Trips Generated	Parents	Buses	Staff	Trips
IN									
OUT									

Elementary School Data						Middle School Data			
Direction	Parents	Buses	Staff	Trips	PM Trips Generated	Parents	Buses	Staff	Trips
IN									
OUT									

Recommendations and Conclusions

Proposed Improvements and Comments

The analyses indicate that the addition of trips generated by the proposed development will cause some traffic degradation on the roadway network within the study area. Therefore, the following roadway improvements are recommended:

Roxboro Road and Snow Hill Road / Mason Road (signalized)

- Lengthen the westbound left-turn lane on Snow Hill Road from 75 feet to 200 feet
- Lengthen the southbound left-turn lane on Roxboro Road from 125 feet to 275 feet

Snow Hill Road and Novaglen Road/Site Access #1 (unsignalized)

- Construct an eastbound left-turn lane with 150 feet of storage and appropriate tapers.
- Construct a westbound left-turn lane with 75 feet of storage and appropriate tapers.
- Construct Site Access #1 to provide for one ingress lane and two egress lanes (an exclusive right-turn lane and an exclusive left-turn lane with a minimum of 150 feet of storage and internal protection).

Snow Hill Road and Altrada Drive (unsignalized)

- No improvements are required to accommodate the Build (2012) year traffic.

Snow Hill Road and Snow Hill Drive / Whispering Pines Lane (unsignalized)

- No improvements are required to accommodate the Build (2012) year traffic.

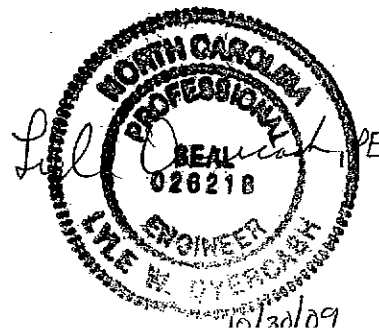
Snow Hill Road and Site Access #2 (future unsignalized)

- Construct an eastbound left-turn lane with 250 feet of storage and appropriate tapers.
- Construct Site Access #2 to provide for one ingress lane and two egress lanes (an exclusive right-turn lane and an exclusive left-turn lane with a minimum of 250 feet of storage and internal protection).

Internal School Operations Comments

- Provide a minimum of 1,425 feet of "carpool" queue storage from the student-loading zone to accommodate students being picked up in the school P.M. peak hour.

These recommendations are consistent with the previously required improvements for Addendum #1 by NCDOT in their letter dated June 30, 2009 and by the City of Durham in their letter dated April 3, 2009.



DURHAM DEVELOPMENT REVIEW
D0800219 New Middle School B (Treyburn Middle School)
MAJOR SITE PLAN Review #4

The following are the review comments and corrections for the above referenced plan.
Comments are not final until 5:00 pm on the published due date and may be subject to change prior to that time:

PLEASE NOTE: Departments that approve this case may not include a "No Comments" in this document. If you do not see comments for a particular department, please check the Approvals in Land Development Office on-line. If the approval has not been given, then comments are still pending.

PLANNING **Danny Cultra 560-4137 ext 238**
12/28/2009

General Comments:

1. A re-review fee in the amount of \$3,783.00 [which is ½ the original base fee of \$7,275.00 (\$3,637.50) plus a 4% technology surcharge of \$145.50] is due at the time of the next submittal.

Cover Sheet SD-0.0:

2. The site data table indicates that (150) parking spaces are now being proposed for the school site, but there are actually (149) spaces being proposed on the site plan. As required by the Site Plan and Preliminary Plat Standards and Notes, referenced in Sec. 3.7.4, modify the data table to reflect the correct number of proposed vehicular spaces.
New comment due to plan changes.

Overall Site SD-0.1:

3. As required by the Site Plan and Preliminary Plat Standards and Notes, referenced in Sec. 3.7.4, label the 25 future parking spaces as Phase 2 parking. Future conditions are not approvable under the submitted plan.
New comment due to plan changes.

Site Plan SD-2.0:

4. Indicate two vehicle stacking spaces (8 ft. x 25 ft.) at each of the proposed gated areas pursuant to Ordinance Sec. 10.6.2 for vehicle stacking standards.
New comment due to plan changes.

Site Plan-Playing Fields **SD-2.1:**

5. Pursuant to the Site Plan and Preliminary Plat Standards and Notes, referenced in Sec. 3.7.4, graphically indicate which components will occur in Phase II and/or label the components for Phase I or II. Is it to just be the standard and/or van accessible parking spaces, the access drive, adjacent sidewalk, bike rack? It is unclear what is being proposed in Phase I and what is being proposed in Phase II.

New comment due to plan changes.

Grading Plan-Playing Fields **SD-3.1:**

6. A note on the plan states that “Grading and Storm Drain to be Installed When Phase 2 Parking is Installed”. Phase II areas should be clearly distinguished from Phase I areas in order to determine what will be graded and installed within the initial phase. Modify the plan to indicate the different phases pursuant to the Site Plan and Preliminary Plat Standards and Notes, referenced in Sec. 3.7.4. You may also need to show this on separate sheets.

New comment due to plan changes.

Grading Plan-Snow Hill Road (East) **SD-3.3:**

7. The applicant’s response to the previous review’s comment is that the BFE has been modified to be indicated at 299 feet of elevation in the site data on the Cover Sheet, but the data has still not been changed. Also, the BFE is not referenced anywhere on the plans. Pursuant to the Site Plan and Preliminary Plat Standards and Notes, referenced in Sec. 3.7.4 and Sec. 8.4 for Floodplain Protection Standards, modify the plans to reflect the BFE on the cover sheet and on any sheets where the floodplain can be evidenced.

Repeat comment.

Other Comments:

8. The Development Review Board must approve the three stream buffer intrusions for the stream located in the center of the project site.
 - Two approvals are for the sanitary sewer intrusions as indicated on sheet SD-5.0 and SD-5.3 and required per Ordinance Sec. 8.5.5F, and also Sec. 8.5.5I for one of the intrusions which requires approval from the County Engineer prior to the site plan moving forward to DRB. Provide documentation of approval from the County Engineer for the northernmost sanitary sewer intrusion.
 - The other approval is for the driveway crossing and water service intrusion/crossing as indicated on sheets SD-3.4 and SD-5.0 and required per Ordinance Sec. 8.5.5F.

Note: All intrusions require that methods for re-vegetation of the stream buffer be reflected on the site plan per Ordinance Sec. 8.5.5K. It is preferable to indicate these methods on the grading plans.

Holding comment that will remain until the plan moves forward for approval but does not have to be addressed further except for supplying County Engineer’s approval of parallel

sewer intrusion. We need a copy of this written approval before the DRB agenda is finalized on the Tuesday morning before the meeting.

9. A determination was made as to the required parking for the park portion of the development pursuant to the parking table in Ordinance Sec. 10.3.1A.
 - Because the justification letter from the Director of Parks and Recreation states that each athletic field requires (30) parking spaces and a total of (60) spaces are being allotted for the park portion of the development yet there should be no overlapping demand for uses between the baseball/softball fields and the soccer/football fields:
 - a. Add a special conditions note to the cover sheet stating: "The baseball/softball fields shall not be used at the same time as the soccer/football fields."
 - Because the development is proposing to utilize the bus parking area to fulfill part of the vehicular parking space requirements for the park:
 - a. Stripe the bus lanes (parking spaces) to create vehicular parking space divisions (two spaces) within each bus lane in order to designate (20) total vehicular parking spaces.
 - b. If the bus parking area will only yield 20 vehicular parking spaces, due to the divisional striping as it appears to be the case, revise the justification letter from the Director of Parks and Recreation to state that a total of (55) spaces will only be needed for the park use instead of the (60) spaces as originally stated.
 - c. Add a special conditions note to the cover sheet stating: "Vehicular parking in the bus parking area is only allowed during hours when no bus transfer of students is taking place. Buses are not to be stored in the parking area and shall only be located in the spaces during transfer (loading/unloading) times of students."
 - d. Add "no parking" signs in the bus parking areas restricting vehicular parking to non-bus loading/unloading hours. Provide details for the signage on one of the detail sheets.
 - Based upon the parking requirement for the park portion of the development:
 - a. Modify the parking documentation in site data table on the cover sheet to indicate the number of required and provided parking spaces for meeting the park portion of the site and the "total" number of required/provided spaces (school requirement + park requirement). Also, modify the parking documentation in the site data table for the required number of bicycle parking spaces based upon the overall required number of spaces (school requirement + park requirement).

New comments due to plan changes.

10. The Development Review Board must approve the number of proposed stacking spaces pursuant to Ordinance Sec. 10.6.2.

Holding comment that will remain until the plan moves forward for approval but does not have to be addressed further.

TRANSPORTATION

Bill Judge, P.E. 560-4366

12/17/2009

1. Revise Special Conditions of Approval note #8 to replace "NCDOT Standards" with "City of Durham Standards". *New comment due to plan revision by the applicant.*
2. Note and illustrate two vehicle stacking spaces (8 ft. x 25 ft.) at the proposed gates in the eastern driveway. *New comment due to plan revision by the applicant.*

3. Advisory comment: At the final plat stage, a 20 ft. right-of-way radius will be needed on the northwest corner of the eastern driveway right-of-way dedication.



cultivate ■ communicate ■ celebrate
D E S I G N E X C E L L E N C E

Durham Appearance Commission

M E M O

December 4, 2009

To: Danny Cultra, City/County Planning Department

From: Derek Jones, Chair, DCCAC Project Review Committee

Regarding: Middle School "B" – Snow Hill Road

Recordation: Jonathan Parsons, DCCAC Project Review Committee

Review Committee members present: Howard Partner, Derek Jones, John Wood, Jonathan Parsons, Anne Kramer-Staff Liaison

The Durham City County Appearance Commission Project Review Committee conducted a **re-review** of the above referenced project on December 3, 2009.

The Committee recommends approval (4 to 0) of this project.

Please contact Anne Kramer with the City/County Planning if you have any further questions.

Respectively,

Jonathan Parsons, RLA
Durham Appearance Commission – Design Review Committee

Project Team Present:
Paul Young, DTW Architecture
Robert Sotolongo, DTW Architecture
Wendi Ramsden, CoulterJewelThames

Development Review Board - Case Action Form

Item No: 3.1

CASE SUMMARY		Meeting Date: 01/08/2010	
Project Name:	LAKEWOOD MONTESSORI MIDDLE SCHOOL & YMCA		
Application For:	MINOR SITE PLAN		
Location:	2119 CHAPEL HILL ROAD		
Applicant:	COUNTY OF DURHAM STATE OF Withers & Ravenel		
Case #:	D0900211	PIN:	0821-13-13-2268
Project Scope:	16,241SF ADDITION TO EXISTING 55,037SF YMCA BUILDING FOR A TOTAL OF 71,278SF. ADDITION OF MIDDLE SCHOOL USE (53,030SF) TO REMAINING YMCA INDOOR RECREATION USE (18,248SF) ON 7.37 ACRE PARCEL.		
Resource Person:	JMORRIS	Zoning Dist.	RS-M RU-5
		Overlay Dist.	-P

DRB MEMBERS:	Eligible to Vote	Present		M/S	Vote	
		Yes	No		Yes	No
Number Needed For Quorum: 6						
Bike/Ped Commission	<input checked="" type="checkbox"/>					
City/County Inspections	<input checked="" type="checkbox"/>					
City/County Planning	<input checked="" type="checkbox"/>					
City Engineering	<input checked="" type="checkbox"/>					
DOST Commission	<input checked="" type="checkbox"/>					
N.C. DOT	<input checked="" type="checkbox"/>					
Planning Commission	<input checked="" type="checkbox"/>					
S + E Control	<input checked="" type="checkbox"/>					
Transportation	<input checked="" type="checkbox"/>					
City Stormwater	<input checked="" type="checkbox"/>					
County Stormwater	<input type="checkbox"/>					

Action Taken:

Meeting Comments/Conditions

1. Sec. 12.4.6 consideration of request for Payment-in-Lieu of Required Sidewalk 2. Site Plan (BOA approved Minor Special Use Permit (B0900038) on December 9, 2009)

UDO ALTERNATIVE SIDEWALK/ PAYMENT IN LIEU APPLICATION

Unified Development Ordinance Section 12.4.3 – Alternate Requirement

A. A pedestrian walkway may be provided outside of the right-of-way when the approving authority determines the walkway will have the same functionality as the conventional sidewalk required in Sec. 12.4.2, Sidewalk Requirement.

B. A pedestrian walkway may be provided outside of the right-of-way with a reduced level of functionality when the approving authority determines that the construction of a conventional sidewalk within the right-of-way is impractical due to impending road widening or other physical limitations.

Unified Development Ordinance Section 12.4.6 - Payment-In-Lieu (City Only)

When the approving authority determines that the construction of a required conventional sidewalk or alternate walkway is unfeasible due to special circumstances, including but not limited to: impending road widening, significant street trees, or severe roadside conditions; the approving authority shall require either: (1) a payment-in-lieu of sidewalk construction; (2) construction of sidewalks in the general vicinity of the project site; or (3) a combination of a conventional sidewalk, alternate walkway, or payment-in-lieu.

Case DD900211

Project Name: Lakewood Montessori Middle School & YMCA

Applicant: Patrick D'Toole, Withers & Ravenel (919) 535-5141

PIN DB21-13-13-226B (Project site)

Request may be for any combination of standard sidewalk and either or both of the following:

1. Alternative sidewalk in lieu of _____ feet of standard sidewalk.
2. Payment in lieu of 522 feet of standard sidewalk.

Reason(s) For Alternative Sidewalk / Payment In Lieu Request:

The construction of a conventional sidewalk is unfeasible due to the unique & non-conforming dimensions of the existing street (Crosswind Avenue) & right-of-way. Right-of-way dedication is not practical as it would result in the subject property being limited & restricted in the area of the Crosswind Avenue street frontage. The existing conditions do not allow for the addition of the sidewalk on or adjacent to the property.

Attach to this application any supporting documentation to be considered by the approving authority in their deliberation of this request. Including but not limited to a written determination by the Public Works Department or NC DOT, as appropriate, that construction of sidewalk is not feasible.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Applicant Signature

12/16/09
Date

OFFICE USE ONLY

The Planning Director/ Development Review Board at their meeting on _____ after reviewing this application and supporting documentation has approved/ deferred/ denied a request for alternative sidewalk in lieu of _____ feet of standard sidewalk and/or payment in lieu of _____ feet of standard sidewalk.

As part of the approval, the following conditions were attached:

Planning Staff/Clerk to the Development Review Board

Date

The City Council/Board of Commissioners at their meeting on _____ after reviewing this application and supporting documentation has approved/denied the a request for alternative sidewalk in lieu of _____ feet of standard sidewalk and/or payment in lieu of _____ feet of standard sidewalk.

As part of their motion, the following conditions were attached:

December 16, 2009

City of Durham
Planning Department
101 City Hall Plaza
Durham, NC 27701

RE: Sidewalk Payment-In-Lieu
Project: Lakewood Montessori Middle School & YMCA
Planning Case Number: D0900211
W&R Project #: 2090332.00

To Whom It May Concern:

Alternate sidewalk for the Lakewood Montessori Middle School & YMCA project was previously approved by DRB on November 6, 2009. This alternate sidewalk was approved on the west side of Chapel Hill Road between Vesson Avenue and Prince Street. The specific alternate sidewalk segment lengths and locations are described in a letter dated October 26, 2009 that was submitted as a supplement to the original UDO Alternate Sidewalk/ Payment in Lieu Application dated October 22, 2009.

After approval of the alternate sidewalk location by DRB, survey services were provided along the sidewalk corridor to obtain information for design including topography, utilities, and above ground improvements and to obtain the location of property corners & right-of-way monumentation in order to determine the exact location of the existing right-of-way. Based on the information obtained for the property lines and right-of-way (or lack thereof) along the sidewalk corridor, it was discovered that no right-of-way exists along this section of Chapel Hill Road that would allow the construction of the sidewalk to be completed within said right-of-way.

Based on this discovery of no right-of-way and on other contributing factors, Durham Public Schools is requesting to provide a payment-in-lieu of 522 feet of standard sidewalk instead of providing alternate sidewalk. Included with this letter is a revised UDO Alternate Sidewalk/ Payment in Lieu Application that reflects this request.

Please contact me if you have any questions or require any additional information.

Sincerely,

WITHERS & RAVENEL, INC.



Patrick O'Toole, PE, LEED AP

K:\09\09-0330\090332-Lakewood YMCA\Proj\Alternative Sidewalk\Sidewalk Payment in Lieu Application Cover Letter - 121609.doc

Development Review Board - Case Action Form

Item No: 3.2

CASE SUMMARY		Meeting Date: 01/08/2010			
Project Name:	MCDONALD'S PARKING ADDITION - ROXBORO & FOUSHEE				
Application For:	MAJOR SITE PLAN				
Location:	2010 NORTH ROXBORO STREET				
Applicant:	MCDONALDS REAL ESTATE COMPANY Commercial Site Design LLC				
Case #:	D0700548	PIN:	0832-14-24-6911 0832-14-24-6749		
Project Scope:	PARKING LOT EXPANSION TO AN EXISTING DRIVE THRU RESTAURANT ON 1.08 ACRES.				
Resource Person:	GSHERRON	Zoning Dist.	Overlay Dist. F/J-B		

DRB MEMBERS:	Eligible to Vote	Present		M/S	Vote	
		Yes	No		Yes	No
Number Needed For Quorum: 6						
Bike/Ped Commission	<input checked="" type="checkbox"/>					
City/County Inspections	<input checked="" type="checkbox"/>					
City/County Planning	<input checked="" type="checkbox"/>					
City Engineering	<input checked="" type="checkbox"/>					
DOST Commission	<input checked="" type="checkbox"/>					
N.C. DOT	<input checked="" type="checkbox"/>					
Planning Commission	<input checked="" type="checkbox"/>					
S + E Control	<input checked="" type="checkbox"/>					
Transportation	<input checked="" type="checkbox"/>					
City Stormwater	<input checked="" type="checkbox"/>					
County Stormwater	<input type="checkbox"/>					
Action Taken:						
Meeting Comments/Conditions						
1. Updated floodplain development permit request (Sec. 8.4.4D); 2. Site plan recommendation of approval needed after re-design of parking lot and drive entrance with reduction in impervious surface						



COMMERCIAL SITE DESIGN

8312 Creedmoor Road Raleigh, NC 27613
919.848.6121 Phone 919.848.3741 Fax

www.esitedesign.com

September 30, 2008

Dennis Doty
Durham City-County Planning Department
101 City Hall Plaza
Durham, NC 27701

RE: McDonalds - Durham @ 2010 N. Roxboro 32-0008
Parking Lot Expansion, MCD-0404
Application for UDO Floodway and/or Floodway Fringe

Mr. Doty,

The request for approval of intrusion within the floodway fringe or non-encroachment area fringe should be allowed for the following:

1. The proposed parking expansion will be graded at or below the existing topography (i.e. no fill will be placed in the floodplain).
2. The existing 26 spaces that were approved under the old zoning ordinances are not sufficient to meet the parking demands of the current use of the site. In fact if the site were to be developed under the UDO 34 to 42 parking spaces would be required depending upon action by the Development Review Board. Approval of the special use permit will bring this site in compliance with the UDO. Given that the development does not propose fill within the flood fringe area and it brings the site into compliance with other requirements (parking) of the ordinance the proposed parking expansion complies with Section 8.4.4d of the UDO.
3. The proposed parking facility will suffer little or no damage if the area should flood and will not have an effect on any adjoining property owners.

The project is proposing compliance with the UDO requirements for screen and buffering by providing for a vehicular use area buffer adjacent to Roxboro Road and Foushee Street. The project also proposes a Type "A" buffer between the proposed improvements and the existing Arby's Restaurant. The overall efficiency of this design will achieve a better overall balance for this site.

Sincerely,

COMMERCIAL SITE DESIGN, PLLC

Brian T. Soltz
Project Manager

**APPLICATION FOR
UDO FLOODWAY AND/OR FLOODWAY FRINGE
DEVELOPMENT/FILL REQUIRING GOVERNING BODY APPROVAL**

**Unified Development Ordinance Section 8.4.4D – Development in Special Flood Hazard
Area: Fill or Development in the Floodway Fringe or Non-Encroachment Area Fringe
Requiring Governing Board Approval**

8.4.4D.2. "Fill or development (e.g., floodproofing or elevation by design) in the floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) that is not authorized above is not permitted unless it is in support of otherwise permissible uses and authorized by a major special use permit issued under Sec. 3.9, Special Use Permit, and provided that the appropriate governing body finds that:

- a. The proposed fill or development provides for a better balance between overall efficiency of the site design, and improved conservation elsewhere on the site than would be possible without intrusion into the floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO); and
- b. The proposed fill or development represents the minimum amount of floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) intrusion to achieve this better balance.

Commentary: Intrusion within the floodway fringe or non-encroachment area fringe may allow preservation of other significant resources on the site, and the governing body is empowered to review the balancing of these two concepts."

Case _____

Project Name: MCDONALD'S - 2010 N. ROXBORO RD.

Applicant: BRIAN BURCHETT

PIN 0832-14-24-6925

What is the nature of the proposed development within the floodway fringe or non-encroachment area fringe?

PAVING PARKING LOT ADDITION

What is the total area of the site within the floodway fringe or non-encroachment area fringe?

Acres = 0.47 Square Feet = 20,323

What is the area and percentage of existing floodway fringe or non-encroachment area fringe previously filled or developed or previously approved for fill or development on site, if any?

Area of fill = _____ Percentage of fill = _____
Area of development = _____ Percentage of development = _____

Floodway Fringe Fill Governing Body Approval Application
Case _____

What is the area and percentage of floodway fringe or non-encroachment area fringe to be filled or developed on site?

Area of fill = 0.00 Percentage of fill = 0.0%
Area of development = 0.38 AC Percentage of development = 82%
16,677 SF

Provide a separate, written narrative describing how the request fulfills the required findings in 8.4.4D2.a and b above.

Attach to this application any additional supporting documentation to be considered by the DRB in their deliberation of this request. A recommendation will be made by DRB to the governing body as part of the major site plan and major special use permit.

A separate major special use permit application must also be filed and in process prior to the DRB meeting. The appropriate governing body is the final approving authority for the major special use permit and major site plan.

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Applicant Signature

1/5/2010
Date

The Development Review Board at their meeting on _____ after reviewing this application and supporting documentation has recommended approval /deferred action/ recommended denial of the request for filling _____% (_____ acres) and developing _____% (_____ acres) of the floodway fringe or non-encroachment area fringe for the following use _____. In making this determination, the Board based their decision on the following factors:

Required Conditions:

Clerk to the Development Review Board

Date



DURHAM | NORTH CAROLINA



CITY-COUNTY FLOODPLAIN DEVELOPMENT
PERMIT APPLICATION

SECTION I: GENERAL PROVISIONS

1. No work of any kind may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until Final Approval is issued.
5. The permit will expire if no work is commenced within six months of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state, and federal regulatory requirements.
7. Applicant gives consent to the Floodplain Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. For activities requiring site plan or plat approval the application is submitted to the City/County Planning Department.
9. For activities involving single family or two family development on a lot of record, temporary uses, or demolition not requiring site plan approval, the application is submitted to the City/County Building Inspections Department.
10. For other activities the application is submitted to the City of Durham Public Works Department or County Engineering as applicable.

SECTION 2: PROJECT INFORMATION (To be completed by APPLICANT)

SITE INFORMATION

To avoid delay in processing the application, please provide enough information to easily identify the project location. Attach additional sheets if necessary.

STREET ADDRESS 2010 N. Roxboro Rd
Durham, NC

PIN 0832-14-24-6925
FEMA COMMUNITY NUMBER 370086
FIRM PANEL NUMBER(S) 0832 J
FIRM EFFECTIVE DATE May 2, 2006
BASE FLOOD ELEVATION(S) 307 (NAVD1988).

The permit application must be accompanied by a certified drawing sealed by a licensed Professional Engineer or Professional Land Surveyor registered in the State of North Carolina that shows the location of all FEMA floodplain boundaries, existing structures, water bodies, adjacent roads, lot dimensions, surveyed location of Base Flood Elevations, and proposed development.

IS DRAWING ATTACHED? ☒ YES ☐ NO

OWNER'S NAME: <u>McDonald's USA, LLC</u>	
MAILING ADDRESS: <u>4601 Six Forks Rd, Ste 200, Raleigh, NC 27609</u>	
TELEPHONE NUMBER: <u>919-876-9716</u>	EMAIL ADDRESS: _____
BUILDER'S NAME: <u>To Be Determined</u>	
MAILING ADDRESS: _____	
TELEPHONE NUMBER: _____	EMAIL ADDRESS: _____
ENGINEER'S NAME: <u>Commercial Site Design</u>	
MAILING ADDRESS: <u>8312 Creedmoor Rd. Raleigh, NC 27614</u>	
TELEPHONE NUMBER: <u>919-848-6121</u>	EMAIL ADDRESS: <u>soltz@csitedesign.com</u>

DESCRIPTION OF WORK (Check all applicable boxes)

A. STRUCTURAL DEVELOPMENT

ACTIVITY

STRUCTURE TYPE

☐ New Structure

☐ Residential (1-4 Family)

☒ Addition Parking

☐ Residential (More than 4 Family)

☐ Alteration

☐ Non-residential (Floodproofing? ☐ Yes)

☐ Relocation

☐ Combined Use (Residential & Commercial)

☐ Demolition

☐ Manufactured (Mobile) Home (In Manufactured

☐ Replacement

Home Park? ☐ Yes)

ESTIMATED COST OF PROJECT \$ 50,000⁴⁶

B. OTHER DEVELOPMENT ACTIVITIES

☐ Clearing ☒ Fill ☐ Mining ☐ Drilling ☒ Grading

☐ Excavation (Except for Structural Development Checked Above)

☐ Watercourse Alteration (Including Dredging and Channel Modifications)

☒ Drainage Improvements (Including Culvert Work)

☐ Road, Street or Bridge Construction

☐ Subdivision (New or Expansion)

☐ Individual Water or Sewer System

☒ Other (Please specify) Paving parking lot addition

IS THE DEVELOPMENT LOCATED IN THE FEMA REGULATED FLOODPLAIN?

☒ YES ☐ NO

If yes, complete Section 3.

CERTIFICATION

As the applicant I certify that I am either the owner or authorized agent of the owner and that all statements herein and in attachments to this application are, to the best of my knowledge, true and accurate.

PRINT APPLICANT'S NAME Brian Burchett

APPLICANT'S SIGNATURE _____

DATE 10-31-07

SECTION 3: ADDITIONAL INFORMATION (To be completed by APPLICANT)

If the proposed development is located in a Special Flood Hazard Area the applicant must submit the documents as noted below before the application can be processed:

N/A 0 Development plans, drawn to scale, and specifications, including where applicable: details for anchoring structures; proposed elevation of lowest floor (including basement); types of water-resistant materials used below the first floor; details of floodproofing of utilities located below the first floor; and details of enclosures below the first floor. (Required for structural development activities.)

N/A 0 Completed Floodplain Building application (Required for building permit requests involving structures.)

N/A 0 A copy of all data and hydraulic/hydrologic calculations used to determine the base flood elevation and floodway limits. (Required for proposed development of properties that exceeds 50 lots or 5 acres, whichever is the lesser, and there is unnumbered A Zone on the property.)

N/A 0 A copy of all data and hydraulic/hydrologic calculations used to determine the floodway limits. (Required for proposed development in the floodplain where base flood elevations are established but no floodway or non-encroachment areas are determined.)

N/A 0 Plans showing the extent of watercourse relocation and/or landform alterations. (As applicable)

0 Change in water elevation (in feet) 0
Meets ordinance limits on elevation increases: YES NO
(Required for proposed encroachments to a floodway or non-encroachment area.)

N/A 0 Top of new compacted fill elevation 30.6 ft. (NAVD1988).
(Required for development involving fill in the floodplain.)

N/A 0 Floodproofing protection level (non-residential only) _____ ft. (NAVD1988).
Applicant must attach certification from registered engineer or architect.
(Required for floodproofed structures.)

N/A 0 Certification from a registered engineer that the proposed activity in a regulatory floodway will not result in any increase in the height of the regulatory flood event, or conditional approval issued by FEMA via a Conditional Letter of Map Revision (CLOMR) for the proposed activity. A copy of all data and hydraulic/hydrologic calculations supporting this finding must also be submitted. (Required for proposed encroachments to a floodway or non-encroachment area.)

SECTION 4: APPLICATION DETERMINATION (To be completed by FLOODPLAIN ADMINISTRATOR or designee)

The Project Site:

- ☐ Is NOT located in a Special Flood Hazard Area (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED).
- ☐ Is partially located in the SFHA, but building/development is not. (Notify the applicant that the application review is complete and NO FLOODPLAIN DEVELOPMENT PERMIT IS REQUIRED).

- ☒ Is located in a Special Flood Hazard Area
FIRM zone designation is AE.
Regulatory Base Flood Elevation at the site is: 308.6 ft. (NAVD1988)
FEMA FIRM # 37200 83200 J, ED= May 2, 2006
FEMA FIS # 370630V002B, RD= Aug 2, 2007, ALLABE CREEK, 34P
- ☐ Is located in the floodway or non-encroachment area.

SIGNED

[Signature]
Name

[Signature]
Title

DATE 9/25/08

SECTION 5: PERMIT DETERMINATION (To be completed by FLOODPLAIN ADMINISTRATOR or designee)

I have determined that the proposed activity: ☐ Is ☐ Is not
in conformance with provisions of the Local Floodplain and Flood Damage Protection Standards. The floodplain development permit is issued subject to the following conditions:

SIGNED

Name

Title

DATE

If application is approved, the Floodplain Administrator or designee may issue a Floodplain Development Permit upon payment of designated fee.

If application is not approved, the Floodplain Administrator or designee will provide a written summary of deficiencies and/or additional information that is required. Applicant may revise and resubmit an application or may request a meeting with the Floodplain Administrator.

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before
Final Approval is issued)

The following information must be provided for structures that are part of this application. This As-built elevation data must be certified by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 and 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement, bottom of lowest horizontal structural member of the lowest floor, excluding piling(s) and columns is: _____ ft. (NAVD1988).
2. Actual (As-Built) Elevation of floodproofing protection is _____ ft. (NAVD1988)

SECTION 7: COMPLIANCE ACTION (To be completed by FLOODPLAIN
ADMINISTRATOR or designee)

The FLOODPLAIN ADMINISTRATOR or designee will complete this section as applicable based on inspection of the project or evaluation of as-built conditions to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS

DATE _____	BY _____	DEFICIENCIES?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
DATE _____	BY _____	DEFICIENCIES?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
DATE _____	BY _____	DEFICIENCIES?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

INSPECTIONS OR PERMIT CONDITIONS TRACKING NOTES

SECTION 8: FINAL APPROVAL (To be completed by FLOODPLAIN
ADMINISTRATOR or designee)

Final Approval issued:

SIGNED _____ DATE _____
Name Title